

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AUGUSTINE SOLIS,

Defendant.

CASE NO: 2:20-CR-0179-TOR-2

ORDER DENYING MOTION TO
WITHDRAW GUILTY PLEA

BEFORE THE COURT is Defendant's Motion to Withdraw Guilty Plea.
ECF No. 410. Having reviewed the docket, the files therein, and considering oral
argument, the Court is fully informed.

DISCUSSION

Pursuant to Fed. R. Crim P. 11(d)(2)(B), a defendant may seek to withdraw a
plea of guilty if he can "show a fair and just reason for requesting the withdrawal."

1 A defendant bears the burden of demonstrating a “fair and just reason” and the
2 decision to allow withdrawal of a plea is plainly within the discretion of the district
3 court. *See United States v. Showalter*, 569 F.3d 1150, 1156 (9th Cir. 2009).

4 The Ninth Circuit has provided examples of “fair and just reason” that meet
5 the Rule 11 standard such as: inadequate Rule 11 plea colloquies; newly
6 discovered evidence; intervening circumstances; erroneous legal advice; or any
7 other fair and just reason for withdrawing the plea that did not exist when the
8 Defendant entered his or her plea. *See United States v. Ensminger* 567 F.3d 587,
9 590-93 (9th Cir. 2009). However, in promoting the finality of the solemn nature of
10 guilty pleas, the Ninth Circuit has observed that defendants have been known “to
11 toy with courts by belated attempts to change their minds about having pleaded
12 guilty” (*United States v. Cook*, 487 F.2d 963 (9th Cir. 1973), and that a guilty plea
13 is “not a placeholder that reserves [a defendant’s] right to our criminal system’s
14 incentives for acceptance of responsibility unless or until a preferable alternative
15 later arises.” *Ensminger*, 567 F.3d at 593.

16 The Court heard from the Defendant at the hearing and cannot find a “fair
17 and just” reason for withdrawal.

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IT IS HEREBY ORDERED:

1. Defendant's Motion to Withdraw Guilty Plea, ECF No. 410, is **DENIED**.
2. The Sentencing hearing remains set.

The District Court Executive is directed to enter this order and provide
copies to counsel.

DATED April 30, 2025.



Thomas O. Rice
THOMAS O. RICE
United States District Judge